

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>TERRY FOSTER,</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff,</i>	:	
	:	
<b>v.</b>	:	<b>No. 18-114</b>
	:	
<b>PHILADELPHIA CORRECTIONS</b>	:	
<b>OFFICER SGT. CLIFFORD JEUDY,</b>	:	
<b>et. al.,</b>	:	
<i>Defendants.</i>	:	

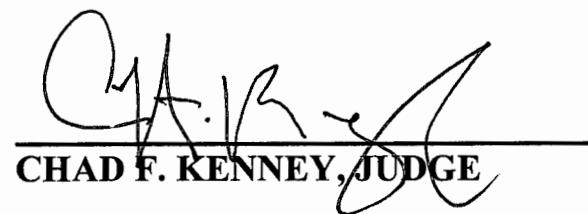
**ORDER**

AND NOW, this 29<sup>th</sup> day of January 2019, upon consideration of Defendants' Partial Motion to Dismiss for Failure to State a Claim (ECF No. 20) and Plaintiff's Response thereto (ECF No. 21), and in accordance with the Court's accompanying Memorandum, it is hereby ORDERED as follows:

1. Defendants' Partial Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 20) is **GRANTED IN PART** and **DENIED IN PART**.
2. Defendants' Motion to Dismiss (ECF No. 20) as to Defendant Carney is **GRANTED**. Accordingly, Defendant Carney is **DISMISSED** from this matter.
3. Defendants' Motion to Dismiss (ECF No. 20) as to Defendant City of Philadelphia is **DENIED**.

4. The remaining Defendants must file an Answer to Plaintiff's Second Amended Complaint on or before **February 12, 2019**.

**BY THE COURT:**



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CHAD F. KENNEY, JUDGE